

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re: JAY B. & CONSTANCE BRILEY

:

Case No. 10-20147-RGM

Debtors.

:

Chapter 7

NOTICE OF MOTION and NOTICE OF HEARING

The debtors have filed a motion to avoid a judgment lien held by Independence Federal Savings Bank and set a hearing on February 22, 2011.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before February 15, 2011, you or your attorney must:

- ☐ Send to the parties listed below at least 14 days written notice of a hearing, which may be set on any regularly-scheduled motion day of the judge assigned the case. If necessary, you may obtain a list of such dates by telephone from the clerk's office. The original and one copy of the final notice must be filed with the clerk, accompanied by a motion day cover sheet, a copy of which may be obtained from the clerk. If you are not represented by an attorney, you may instead file with the clerk a written request for hearing. If you mail your request for hearing to the court for filing, you must mail it early enough so that court will **receive** it before the date stated above. The address of the clerk's office is as follows:

Clerk of Court
U.S. Bankruptcy Court
200 S. Washington St., Rm. 100
Alexandria, VA 22314

You will be notified by the clerk of the hearing date and will be responsible for sending notice of hearing to the parties listed below.

- File with the court, at the address shown above, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded,**

and issue an order granting the requested relief without further notice or hearing.

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must **also** mail a copy to the persons listed below.

■ Attend the hearing scheduled to be held on **February 22, 2011**, at 10:00 AM in Courtroom III, United States Bankruptcy Court, 200 S. Washington St., Alexandria, VA 22314. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

■ A copy of any written response must be mailed to the following persons:

■ David E. Jones (Attorney for debtors)
11211 Waples Mill Rd., Suite 210
Fairfax, VA 22030

■ Richard Bartl, Trustee
300 N. Washington St., #202
Alexandria, VA 22314

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

/s/ David E. Jones
David E. Jones VSB 13014
11211 Waples Mill Rd., Suite 210
Fairfax, VA 22030
703/591-3737

CERTIFICATE OF SERVICE

I hereby certify that on the 10th of January 2011, I sent, via first-class mail, postage pre-paid a copy of the foregoing lien avoidance motion to interim chapter 7 trustee, R. Bartl, 300 N. Washington St., #202, Alexandria, VA 22314; and counsel for Independence Fed. Savings Bank, S. Nichols, 5301 Wisconsin Ave., N.W., #500, Washington, DC 20015.

/s/ David E. Jones
David E. Jones

